

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

THE STATE OF TEXAS; TEXAS	§	
HEALTH AND HUMAN SERVICES	§	
COMMISSION	§	
Plaintiffs,	§	
	§	
v.	§	CIVIL ACTION NO. 6:21-CV-191
	§	
CHIQUITA BROOKS-LASURE, in	§	
her official capacity as	§	
Administrator of the Centers	§	
for Medicare & Medicaid Services,	§	
et al.	§	
Defendants.	§	

DEFENDANTS' DESIGNATION OF EXPERTS & NOTICE OF COMPLIANCE

Pursuant to the Court's Scheduling Order, ECF No. 59, and Minute Order of December 22, 2021, Defendants designate the following expert witnesses who may testify on issues for which discovery beyond the Administrative Record has been authorized by this Court, *see* ECF No. 59. Defendants maintain that no additional discovery is permissible, but reserve the right to supplement this disclosure pursuant to any further court order related to discovery.

I. Non-Retained Experts

Defendants designate and disclose in accordance with Federal Rule of Civil Procedure 26(a)(2)(C) the following experts who may provide testimony. Defendants maintain that trial is not necessary or appropriate in this matter.

<p>Judith Cash</p> <p>Ms. Cash may be contacted through Defense counsel.</p>	<p>Ms. Cash may provide expert testimony on the process of preparing, negotiating, and granting approval for demonstration projects and programs constituted under them and the operation of those projects and programs once they have been established. She may also provide testimony as to the amount of time it would take to negotiate and implement new demonstration projects and programs, or other alternatives, should the current</p>
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	demonstration project end. Ms. Cash may offer testimony as to the basis for an impact of notice and comment requirements in the demonstration project process. This testimony will be based on her knowledge, education, training, and experience, including as Director of the State Demonstration Group at the Center for Medicaid and CHIP Services.
Christopher J. Truffer, Mr. Truffer may be contacted through Defense counsel.	Mr. Truffer may provide expert testimony concerning the economic and actuarial standards applied to demonstration projects, including the current demonstration project. Mr. Truffer may also offer testimony to rebut the assumptions used and methods applied by Plaintiffs' retained expert. Mr. Truffer's testimony will be based on his knowledge, education, training, and experience, including as Deputy Director of the Medicare and Medicaid Cost Estimates Group in the Office of the Actuary at the Centers for Medicare and Medicaid Services.

II. Notice of Disclosure

On March 18, 2022, Defendants served on Plaintiffs the disclosures required by Federal Rule of Civil Procedure 26(a)(2) and Local Rule CV-26(b).

Dated: March 18, 2022

Respectfully Submitted,

BRIAN M. BOYNTON
Principal Deputy
Assistant Attorney General

BRIT FEATHERSTON
United States Attorney

MICHELLE BENNETT
Assistant Branch Director

/s/ Keri L. Berman
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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served on all counsel of record by operation of the court's electronic filing system and can be accessed through that system.

DATED: March 18, 2022

/s/ Keri L. Berman

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